

**FILED**

OCT 27 2016

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA

Edward Harold Saunders Jr.

11022-058

(Enter above the full name of the plaintiff  
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

**VERSUS**

**CIVIL ACTION NO.** 1:16-cv-10159  
(Number to be assigned by Court)

B.J. Johnson (Warden); Jane Dee Richer (Warden);  
D. LeMaster (AWO); T.J. Watson (AWP); K. Martin (Acting Captain);  
T. Lillard (Captain); J. Moore (SHU Lieutenant);  
C. Diamond (SHU Lieutenant); D. Kendrick (SOS SHU);  
W. Kendrick (SOS SHU); John Doe Kurt (SHU Property Officer);

and A. Thompson (SHU Property Officer)  
(Enter above the full name of the defendant  
or defendants in this action)

**COMPLAINT**

**I. Previous Lawsuits**

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No X

- B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: N/A

\_\_\_\_\_  
\_\_\_\_\_

Defendants: N/A

\_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county);

N/A

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3. Docket Number: N/A

4. Name of judge to whom case was assigned:

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

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6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. Place of Present Confinement: FCI McDowell, 101 Federal Street, Welch, WV 24801

A. Is there a prisoner grievance procedure in this institution?

Yes X No \_\_\_\_\_

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes X No \_\_\_\_\_

C. If you answer is YES:

1. What steps did you take? I filed an Internal Resolution, Request for

Administrative Remedy, Regional Administrative Remedy Appeal, and Central  
Office Administrative Remedy Appeal.

2. What was the result? Denied

D. If your answer is NO, explain why not: \_\_\_\_\_

### III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: Edward Harold Saunders Jr. 11022-058

Address: FCI McDowell, 101 Federal Street, Welch, WV 24801

B. Additional Plaintiff(s) and Address(es): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: B. J. Johnson

is employed as: Warden

at PCI McDowell, 101 Federal Street, Welch, WV 24801

D. Additional defendants: Jane Doe Richer (Warden); D. LeMaster (AWO);

T. J. Watson (AWP); K. Martin (Acting Captain); T. Lillard (Captain); J. Moore

(SHU LT); C. Diamond (SHU LT); D. Kendrick (SOS SHU); W. Kendrick (SOS SHU);

John Doe Kurt (SHU Property Officer), and A. Thompson (SHU Property Officer)

at PCI McDowell, 101 Federal Street, Welch, WV 24801

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

Defendant B. J. Johnson (Warden); Jane Doe Richer (Warden); D. LeMaster (AWO);  
T. J. Watson (AWP); K. Martin (Acting Captain); T. Lillard (Captain); J. Moore (SHU  
Lieutenant); C. Diamond (SHU Lieutenant); D. Kendrick (SOS SHU); W. Kendrick (SOS SHU);  
John Doe Kurt (SHU Property Officer); and A. Thompson (SHU Property Officer) withheld  
and continues to withhold from plaintiff plaintiff's incoming newspapers,  
magazines, books, and family pictures, that are sent through approved channels,  
without notifying plaintiff that plaintiff's newspapers, magazines, books, and  
family pictures were and are being withheld. No newspapers, magazines,

**IV. Statement of Claim (continued):**

books, and family pictures are allowed into Special Housing Unit from March 9, 2016 through present of filing. Plaintiff did not receive notice from defendants that plaintiff's newspapers, magazines, books, and family pictures were being withheld, and plaintiff was not told by defendants why his newspapers, magazines, books, and family pictures were being withheld. Defendants have withheld plaintiff's newspapers, magazines, books, and family pictures from March 9, 2016 to present, and continues to withhold plaintiff's newspapers, magazines, books, and family pictures. Defendants violated plaintiff's First Amendment rights by withholding and continuing to withhold plaintiff's newspapers, magazines, books, and family pictures. In addition, defendants have violated plaintiff's Fourteenth Amendment rights for failure

**V. Relief** to notify plaintiff that his newspapers, magazines, books, and family pictures were being withheld.  
State briefly exactly what you want the court to do for you. Make no legal arguments.  
 Cite no cases or statutes.

Plaintiff seek Compensatory damages in the amount of \$1000 for each newspaper, magazine, book, and picture withheld and continued to be withheld. In addition, plaintiff seek punitive damages in the amount of \$100,000 for violation of plaintiff's First Amendment rights for withholding and the continuous withholding of plaintiff's newspapers, magazines, books, and family pictures, and \$100,000 for violation of plaintiff's Fourteenth Amendment due process rights (property and liberty interests) for failure to notify plaintiff that his newspapers, magazines, books, and family pictures were being withheld.

V. Relief (continued)):

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VII. Counsel

- A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

N/A

- B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes \_\_\_\_\_

No X

If so, state the name(s) and address(es) of each lawyer contacted:

N/A

If not, state your reasons: I wish to be appointed counsel to fully and properly brief the issues because they are complexed and above my ability to litigate in a meaningful manner. As I present meritorious action.

- C. Have you previously had a lawyer representing you in a civil action in this court?

Yes \_\_\_\_\_

No X

If so, state the lawyer's name and address:

\_\_\_\_\_  
\_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Edward H. Saunders Jr  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 24, 2016  
(Date)

Edward H. Saunders Jr  
Signature of Movant/Plaintiff

\_\_\_\_\_  
Signature of Attorney  
(if any)

Edward H. Saunders Jr  
11022-058  
Federal Correctional Institution McDowell  
P.O. Box 1009  
Welch, WV 24801

October 24, 2016

Clerk, United States District Court  
Room 2303  
601 Federal Street  
Bluefield, West Virginia 24701

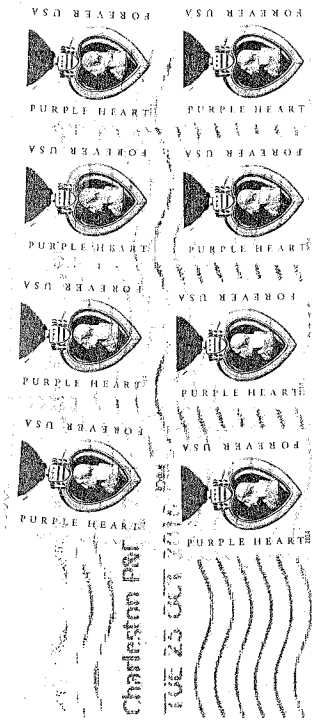
Dear Clerk,

Would be kind enough to send me a stamped filed copy of the enclosure as I am being housed in the Special Housing Unit and have no access to copies. Thank you.

Sincerely,  
Edward H. Saunders Jr



Edward H. Saunders Jr.  
11022-058  
Federal Correctional Institution McDowell  
P.O. Box 1009  
Welch, WV 24801



LEGAL MAIL

Clerk, United States District Court  
Room 2303  
601 Federal Street  
Bluefield, West Virginia 24701

LEGAL MAIL

October 24, 2016

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LEGAL MAIL

FEDERAL CORRECTIONAL INSTITUTION  
MCDOWELL  
PO BOX 1020  
WELCH, WV 26060

DATE 10-25-16

THE ENCLOSED LETTER WAS PROCESSED THROUGH  
SPECIAL MAILING PROCEDURES FOR FORWARDING TO  
YOU. THE LETTER HAS BEEN NEITHER OPENED NOR  
INSPECTED IF THE WRITER RAISES A QUESTION OR  
PROBLEM OVER WHICH THIS FACILITY HAS JURIS-  
DICTION. YOU MAY WISH TO RETURN THE MATERIAL  
FOR FURTHER INFORMATION OR CLARIFICATION. IF  
THE WRITER ENCLOSES CORRESPONDENCE FOR  
FORWARDING TO ANOTHER ADDRESSEE, PLEASE  
RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.

October 24, 2016